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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,034	09/29/2003	Jose M. Sosa	API-1019-US (COS-912)	4496

7590

10/11/2005

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EXAMINER

NUTTER, NATHAN M

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,034

Applicant(s)

SOSA, JOSE M.

Examiner

Nathan M. Nutter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I, claims 1-11, and species 1 drawn to syndiotactic polypropylene, in the reply filed on 25 July 2005 is acknowledged. Claims 1-10 are generic to the elected species. Claim 11 is withdrawn from consideration as being drawn to a non-elected species.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramanathan et al (US 6,784,252), newly cited.

The patent to Ramanathan et al (US 6,784,252) teaches the production of a blend of a syndiotactic polypropylene with polystyrene produced by solution polymerization, as recited in claim 1. Note column 2 (lines 17-42) for the solution polymerization. Note column 2 (lines 53-63) for the use of syndiotactic polypropylene. The reference teaches the use of a coupling agent (claim 2) at column 4 (lines 49-52). The employment of a filler material or additives as recited in claims 8 and 9 is shown at column 6 (line 55) to column 7 (line 45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) as applied to claims 1, 2 and 8-10 above, and further in view of Shikano et al (US 2004/0018355), newly cited.

The reference to Shikano et al (US 2004/0018355) is relied upon solely to show the use of maleic anhydride and a chain transfer agent to be conventional in the polymer art. Note paragraphs [0059] and [0079].

To employ these constituents taught by Shikano et al (US 2004/0018355) in their art-recognized capacities, would not rise to the level of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Claims 1, 2, 4, 5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) as applied to claims 1, 2 and 8-10 above, and further in view of Kido et al (US 2002/0042476), newly cited.

The reference to Kido et al (US 2002/0042476) is relied upon solely to show the use of a chain transfer agent that may be dodecyl mercaptan, as recited in claims 4 and

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5, to be conventional in the polymer art for solution polymerization techniques. Note paragraphs [0088] and [0090].

To employ these constituents taught by Kido et al (US 2002/0042476) in their art-recognized capacities, is not deemed to be indicative of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Claims 1, 2 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramanathan et al (US 6,784,252) as applied to claims 1, 2 and 8-10 above, and further in view of Ogawa et al (US 2004/0097650), newly cited.

The reference to Ogawa et al (US 2004/0097650) is relied upon solely to show the use of divinyl benzene as a crosslinking agent , as recited in claims 6 and 7, to be conventional in the polymer art. Note paragraphs [0088] and [0090].

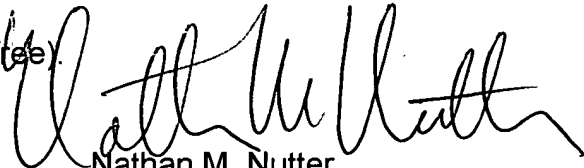
To employ these constituents taught by Ogawa et al (US 2004/0097650) in their art-recognized capacities, is not deemed to be indicative of patentability. The compounds are employed for their known uses. As such, the instant claims would have been obvious to an artisan at the time the invention was made, in the absence of unexpected results.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nathan M. Nutter
Primary Examiner
Art Unit 1711

nmn

4 October 2005